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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,345	11/09/1999	BRANT L. CANDELORE	80398.P215	7843

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EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 10/08/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/437,345

Applicant(s)

CANDELORE, BRANT L.

Examiner

Courtney D. Fields

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2,5,23-24,27,45-46,49-51, and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Wasilewski et al. U.S. Patent No. 6,157,719. As per claims 1,23,45, and 50, Wasilewski et al. discloses a method and system for storing scrambled digital programs within a conditional access system comprising: receiving the scrambled program (encrypted instance), receiving a plurality of instance services (access requirement), wherein each instance service can descramble the scrambled program, selecting at least one instance service, and storing the scrambled program and the selected access program (stored in set-top box and ECM) in Column 4, lines 17-63. As per claims 2,24,46, and 51, Wasilewski et al. discloses the claimed limitation wherein each access requirement is included in a packet identifier (PID) in Column 18, lines 52-60, Column 19, lines 1-25. As per claims 5,27,49, and 54, Wasilewski et al. discloses the claimed limitation wherein access requirement are selected from a group comprising: pay per view, pay per time, impulse pay per view, personal scrambling, etc. in Column 12, lines 41-67, Column 13, lines 1-2, Column 30, lines 40-67, Column 31, lines 1-10.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4,6-9,16-19,22,25-26,28-31,36,38-41,44,47-48,52-53,55-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski et al. U.S. Patent No. 6,157,719 in view of Muratani et al. U.S. Patent No. 6,061,451. As per claims 3-4,6-9,16-19,22,25-26,28-31,36,38-41,44,47-48,52-53,55-58, Wasilewski et al. teaches the invention as claimed. However, Wasilewski et al. does not explicitly teach the feature of filtering stream data. As per claims 3,25,47, and 52, Muratani et al. discloses the claimed limitation of filtering the extracted ECM and EMM data from inputted stream data and passing data to an interface Column 2, lines 5-12. As per claims 4,26,48, and 53, Muratani et al. discloses the claimed limitation wherein the output is delivered to an input of a digital storage medium in Column 2, lines 1-3, 22-30. As per claims 6,16,28,38,55, and 58, Muratani et al. discloses the claimed limitation of receiving a digital bitstream in a scrambled format, descrambling the digital content in a scrambled format to provide a first output in a descrambled format, re-scrambling the digital content in a descrambled format to provide a second out in a re-scrambled format, outputting the first output (set-top box) in a descrambled format and the second output in a re-scrambled format, receive access requirements, select one of the access

requirements, and store the scrambled program and the selected access requirement in Column 6, lines 12-62.

As per claims 7,17,29,39 and 56, Muratani et al. discloses the claimed limitation of receiving and recording the digital content of the second output (DVD interface) in a scrambled format in Column 17, lines 15-55. .

As per claims 8,18,30,40, and 57, Muratani et al. discloses the claimed limitation of demultiplexing the digital content from the program data and decompressing the digital content in a descrambled format in Column 6, lines 3-11, Column 16, lines 4-17.

As per claims 9,19,31, and 41, Muratani et al. et al. discloses the claimed limitation wherein decompressing is executed in an MPEG decoder in Column 2, lines 50-64, Column 6, lines 3-11.

As per claims 14,22,36, and 44, Muratani et al. discloses the claimed limitation of extracting a descrambling key and applying the key to the digital content in a scrambled format, providing digital content in a descrambled format in Column 9, lines 16-22.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Wasilewski et al.'s conditional access system by combining Murantani et al's receiving and decrypting digital content apparatus.

5. As per claims 10,20,32, and 42, Wasilewski et al. discloses the claimed limitation wherein digital content is contained in digital television transmissions in Column 7, lines 30-47.

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As per claims 11,21,33, and 43, Wasilewski et al. discloses the claimed limitation wherein digital content is downloaded from the Internet in Column 7, lines 47-50, Column 45, lines 31-40.

As per claims 12 and 34, Wasilewski et al. discloses the claimed limitation wherein descrambling and re-scrambling steps are carried out in a first conditional access unit (EMM) in Column 8, lines 29-63.

As per claims 13 and 35, Wasilewski et al. discloses the claimed limitation wherein descrambling steps are carried out in a first conditional access unit (EMM) in Column 9, lines 50-55, and re-scrambling steps are carried out in a second conditional access unit (ECM) in Column 8, lines 64-67, Column 9, lines 40-50.

As per claims 15 and 37, Wasilewski et al. discloses the claimed limitation wherein descrambling key is used to re-scramble the digital content in Column 7, lines 7-24.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hirata U.S. Patent No. 4,700,387 discloses a broadcast system for scrambled programming signals.

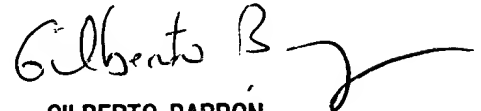
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 703-305-8293. The examiner can normally be reached on Mon - Thu 7:00 - 5:00 pm; off every Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 703-305-1830. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Cdf

October 1, 2003



GILBERTO BARRON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100